



Mid-Month Council Meeting Minutes August 20, 2014

Meeting: 7:00 pm

I. Call to Order: 7:01 pm

II. Opening Ceremonies

- a. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton (7:45 pm), CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TC Cathy Beaver
- b. Recognition of Visitors: Brian Hayes and Jim Willis (from Diamond State Motor Brokers), Delores Bernal (Transcript reporter) and Dwain Haines
- c. Pledge of Allegiance: The pledge was said.
- d. Announcements:
 - Town Hall closed Monday, September 1, 2014 for Labor Day.

III. Additions/Deletions to Published Agenda

- a. Mayor Hatton asked to move 7b to the end of the reports to enable CM Sutton to get here.
- b. CM Ness motioned, CW Cook seconded with unanimous vote to accept the agenda with the above

change.

IV. Council Minutes

- a. Approval of July 23, 2014 Mid-month minutes
 - CM Ness motioned, CW Gorman seconded to approve the 7/23/14 minutes as written.
- b. Approval of August 6, 2014 Council minutes
 - Approval of these minutes will be done at the 9/3/14 Council meeting.

V. Mayor's Report

- a. Discussion about Diamond State Motor Brokers Auction Request
- b. Mayor Hatton said Brian Hayes from Diamond State Motor Brokers sent an email on 8/14/14 asking permission to move the Saturday auctions to Wednesday night to meet the demand of the dealers. The second request is to permit them to do general auctions rather than just vehicle auctions.
- c. Mr. Hayes stated Saturday isn't working, the car dealers have requested the auctions be held on Wednesday night. We would like to do general auctions, which local residents have requested. We could sell items on consignment, do estate sales, etc.
- d. CM Ness asked if they would still have the police there for traffic control and was told yes. He also asked how he would know something to be auctioned isn't stolen.
- e. Mr. Hayes said there is a slim possibility of that. We require registration with a driver's license to sell or buy anything.
- f. CM Ness asked if they would also be selling firearms.
- g. Mayor Hatton said no, selling firearms would be a complete separate issue and request; this is strictly for giving permission to hold the auctions on Wednesday night and opening up the auctions to sell more than vehicles.
- h. Mr. Hayes clarified he still wants to have auctions on Saturday and also on Wednesday night.
- i. Mayor Hatton told Mr. Hayes that there has been an issue with Diamond State doing things without permission first from Council, which seems to be the protocol of Diamond State over the last several months. He said he found out yesterday that the auction for tonight has been advertised. You were cited for doing some on site construction without a permit for the carport and signage and some of the signage is completely out of compliance with the codes. Seems you are always putting the cart before the horse. I would ask going forward that if we actually allow the concession tonight that we don't have these issues anymore. Come to Council first or call TM Green to ensure you are within compliance with the zoning and codes of the Town before doing something. I know you have until the end of the month to get into compliance with the signage.
- j. Mr. Hayes said he called a sign company that has worked in Town for an estimate and they said no permit would be needed, shame on me for the bleachers, it won't happen again, and he added that he didn't think changing the

day for the auction would matter. Going forward, no matter what we want to do, we will call first and do whatever is necessary.

k. Mayor Hatton said he understands, however when you came before Council to do the auctions, it was very specific the way the approval was granted and it specified Saturday and a lot of other little caveats.

l. Mr. Hayes assured Mayor and Council that they will call before doing anything in the future.

m. TE Hyne asked if Diamond State has a written agreement with the State Police to be at the events.

n. Mr. Hayes said no, the police at the events are on overtime and we contract them to be there.

o. Mr. Willis clarified for Council that they are asking to do automobile auctions on Wednesday nights and general auctions on Saturdays.

p. CM Ness motioned, CW Gorman seconded with unanimous vote to grant approval to Diamond State Motor Brokers, Inc. to have vehicle/general auctions on Wednesday and Saturday.

q. Mayor Hatton explained that in 2010-2011, Diamond Stated came before Council and asked to permission to turn the second floor of the building into a sporting goods store which would include selling guns. Three or four weeks ago they tried to sell guns at their auction. They don't have a permit or business license from the Town to sell guns and it was explained to them. They will probably come back in the future to outfit the upstairs to be able to do so.

r. TA Townsend asked if they got licensed through ATF and the State to sell guns and was told yes. TA Townsend said we will need to amend the zoning codes and ordinance, section 66-346, to permit the sale of sporting goods in a commercial district. We can just add a line that says sporting goods and guns. It could also be a Board of Adjustment issue.

s. Mayor Hatton agreed and stated it will be taken to the zoning committee to update the zoning. Would rather be pro-active and change the zoning, can then change the ordinance and have a public hearing. We have to be very careful when it comes to selling weapons because of the second amendment.

t. Mayor Hatton asked TA Townsend to work with TM Green on this issue.

VI. Reports

a. Fred Townsend III, Town Attorney

- Am aware there is going to be a discussion on the grass ordinance. Council needs to keep in mind this ordinance has been amended 2 times since it was put in the code.

b. Owen Hyne, Town Engineer

- Much of the streetscape work is complete. Working on a punch list. Would like to walk the entire worksite with Council.

- Delmarva has put the light poles in and will call Delmarva tomorrow to see why the heads haven't been put on yet.

- There are some storm water issues. Some flooding by the granary and some on Main Street. The construction bags are still in the inlets, think that is what caused the flooding. The bags will be removed and the drainage should be fine.

- DelDot is also doing a punch list of items to be fixed. A lot of issues have already been brought to their attention, like uneven joints and uneven pavement along the curb line.

- The striping is done and the final payment should be coming in soon. The numbers are very close to budget.

- Mayor Hatton asked for clarity of "close to budget".

- TE Hyne said some things are going up, some coming down and he believes we will be below the budget. Will have all the final figures for Council by noon tomorrow.

- Mayor Hatton said there are a bunch of pavers laying on Cannery Lane at the staging area.

- TA Hyne said we will make sure the contractor cleans it all up.

- Mayor Hatton asked that during the final walk through that the mulch around the trees be pulled back to verify the holes the trees are in are free of debris. They had a lot of concrete in those holes.

- Mayor Hatton clarified for Council that there are liquidated damages going on as a result in the delay of getting the project done. The contractor is losing money on this project and has done it to themselves. This will help our budget number also.

- Mayor Hatton said Capital Development Partners look like they are ready to wrap up and asked if Dave has been there doing inspections.
- TE Hyne said yes, Dave has been there for inspections and is keeping a close eye on things.
- CW Gorman asked if they are still on target.
- Mayor Hatton said yes, they plan on opening at the end of the month.
- Mr. Haines said the paving is nice on Main Street but the sides where people park looks like a different material and doesn't look like it will last.
- Mayor Hatton said that is a DelDot issue, they paid for that and it has nothing to do with the streetscape. However, they are aware of it and plan on fixing it.
- c. Dawson Green, Town Manager
 - TM Green's report is in everybody's folder.
 - The orange construction safety fence has been re-installed around the foundation located at 1308 Feret Road.
 - The bale of hay in front of lot 255 that was partially in the road has been removed.
 - Have talked to Mark Saperstein to let him know that signage is required at the following locations in TVII West asap: 1) intersection of Feret Road and W. Founds Street needs a stop sign, Feret Road street sign and W. Founds Street sign. 2) intersection of Feret Road and Myers Street needs a stop sign, Feret Road sign and W. Founds Street sign and 3) intersection of Feret Road and W. Founds Street needs a stop sign, Feret Road sign and W. Founds Street sign.
 - Received a reimbursement check from DNREC for the work completed at the Town Park in the amount of \$12,949.49, which is half of what the Town has spent thus far.
 - Am meeting with Waste Industries tomorrow to further discuss the speeding of their vehicles on Main Street and the conveying.
 - Karin's & Associates are working towards determining the amount of "cut & fill" required to complete the grading within the open spaces in TVII. Should hear back from them by the end of the week.
 - Mayor Hatton stated he talked to DelDot about eliminating large trucks on Main Street, or putting a weight restriction on them. DelDot said neither they nor the Town can stop them or put on weight restrictions because there isn't an alternate route for them to take. Also conveyed this information to Mr. Ruhman.

VII. Committee Report

- a. Finance: Chair – Mayor Jermaine Hatton
 - Knee deep in the audit, not going smoothly for 1st full year in the new system. There are accounting errors in the system. Could be the software or us causing it. Auditors will be back on 9/4/14.
 - Council approved offering simple IRA's to our employees starting this fiscal year. Metlife was here this week to finalize this and it will hopefully be up and running the next pay cycle.
- b. Public Works: Chair - CM Rudy Sutton
 - Discussion/Vote on Grass Ordinance
 - Discussion/Vote on Nuisance Ordinance
 - This discussion is on possible changes to our ordinances with the help of TA Townsend. There is a draft from TA Townsend in each folder with a list of the proposed changes.
 - One of the changes is to try and buckle down on the developers to keep the common areas and empty lots clean and to clean up construction debris. This will be hard to address when we have residents with stuff laying in their yards that isn't trash to them. We may not be able to enforce this ordinance if we put it in place. It may be more trouble than it is worth.
 - Number 5 on the list says the Town will only be required to give notice of overgrown grass once per calendar year. CM Sutton stated he believes this should definitely be implemented into the ordinance. It will ease our Town Managers effort and get right to the point for those in violation. We don't have a lot of problems in Town and the biggest problem is with a developer, but definitely need this in place.
 - CM Sutton said he also believes we should raise the penalty to \$100.00 for the first violation and the subsequent fines up to \$200.00.

- CM Ness asked if we have a fee schedule we can raise so it isn't written into the ordinance and the ordinance has to be changed to update the fees.
- CM Sutton said the ordinance now says you can't be fined more than \$75.00. If we change to "up to" \$100.00 and \$200.00, it will give us a cushion.
- Mayor Hatton said if the ordinance is going to be changed it needs to be spelled out, first offense is..., and second offense is this. If not, the Town Manager will have to decide what the fine will be for each individual and could cause issues. It could put us in a precarious situation. We don't enforce the fines now.
- After a long discussion, CM Ness verified the main thing we want to accomplish with changing the ordinance is to permit TM Green to post one notice per year of the high grass rather than posting the property and sending certified mail. The fines will also go up each time the Town has to mow a property. This will help the Town look better. All of Council agreed.
- TA Townsend stated the issue of the fine isn't entirely in our jurisdiction; we can cite the owner and clean up the property, bill the owner and put a lien on the property. We can also fine the owner but a judge will determine the fine.
- After another long discussion about fines, CM Sutton motioned, CW Cook seconded with unanimous vote to move forward with the ordinance revision that the Town is required to give notice one time a year for grass maintenance.
- TA Townsend suggested we consolidate all the grass ordinances into one. He and TM Green will work on this. We should be able to have a public hearing prior to the Council meeting in October.
- c. Land Use & Development: Chair – Mayor Jermaine Hatton
 - Several developers have been looking for land in Town. In TVII West, there are 17 lots left under MS Development, JS Homes wants to buy all the lots and build this fiscal year. There are 4 lots on Wiggins Mill Frontage which different builders are trying to buy. Handler is steadily working in TV and TVII East.
 - We are currently ranked as one of the fastest growing municipalities in Delaware based on our overall construction. We are still a small bedroom community though and want to stay that way.
- d. Community Relations: Chair – CW Cindy Cook
 - Town Web Site
 1. Met with Roxanne at the Middletown Chamber of Commerce, she is very excited to work with us. She suggested we become a chamber member which is \$150.00 a year. Being part of the chamber will enable us to point new residents to Middletown and Odessa for things Townsend doesn't offer. It would also help our website. The Chamber has been embracing technology the last 2 years and they use the dashboard. Being a member would enable us to interact with all the Chamber members and anyone who views the Chamber website. The Chamber website will pull and post information we put on our website. We can also pull information from their website for ours. This will give us a resource that the Town would never be able to afford and enable to reach out to many more people.
 2. After more discussion, CW Cook motioned, CW Gorman seconded with unanimous vote to become a member of the Chamber of Commerce for \$150.00 a year as a non-profit organization.
 3. Mayor Hatton added that Roxanne has agreed to be a judge for our parade in September.
 - Town Newsletter
 1. Working on the newsletter. Mayor Hatton and CM Sutton will send their reports in tomorrow.
- e. Public Safety: Chair – CM John Ness
 - Vandalism in Town
 1. Mayor Hatton stated he was in the office yesterday and a resident next to park called and said she found 4 stakes that held the trim around the playground area, parts of the small pavilion and the missing swing seat. Don't understand why these kids feel the need to vandalize the park.
 2. CM Ness suggested the Town offer a reward for vandalism in the park and Mayor Hatton stated we need to do something.
 3. CM Ness motioned, CM Sutton seconded with a unanimous vote to open a \$1,000.00 account for reward money for any information that leads to the arrest and conviction of anyone vandalizing the Townsend Municipal Park.

- Resident concerns re: Police Patrols

1. Lt. P will make a presentation on safety at the September Council meeting.
2. Thirty minutes prior to the October Council meeting there will be a Town Watch meeting. The time will be announced later. Anyone interested in joining the Town Watch can hopefully attend the meeting and forward their name, phone and email to me. This will also be in the newsletter and on the website.
3. Mr. Haines stated the police used to hand out reports at the meetings with the number of arrests or tickets they gave in Townsend. Would like to see that again.
4. CW Cook agreed and stated she would like follow up reports on the issues/vandalism reported in Town.

5. CM Ness said he will ask Lt. P about this.

f. Parks & Recreation: Chair – CW Lorraine Gorman

- Blackbird Creek Festival

1. The festival is October 18, 2014, 10:00 am – 4:00 pm. We have been invited to set up a Town table. We can sell t-shirts, let people know what the Town has to offer and encourage people to certify their yards as wildlife habitats. Set up is at 7:00 am. CM Ness offered to help CW Gorman in the afternoon.

- Vandalism at the Park

1. In addition to the playground molding being removed, trash can lids have been removed and smashed. We put cables on the lids and they are still smashing them. There has been painting on the skate park and the only way to remove it is heavy duty scraping. Remover will remove the paint on the ramp too. There are bolts being removed at the skate park, it just goes on and on.

2. CM Ness stated we previously discussed hiring a part time person to patrol the park on weekends.

- Townsend Municipal Park Electrical Improvements

1. The electrical conduit is all in and stubbed up.
2. Waiting on Delmarva to install the transformer.
3. The outlets are in at the gazebo and pavilion.
4. Mid-Atlantic expects to be done by the end of August.
5. CW Gorman asked about the inspections for the electrical at the park.
6. TE Hyne said he has been onsite several times; they have to have a final inspection

from the state.

- Park Maintenance Projects

1. Repair of small gazebo

- a. The small gazebo is done. Mr. Price called and was working on the project and he asked if we wanted the roof to match the color that was on the rest of the roofs in the park. It cost a little extra, the total of the project was \$1,130.00 and it looks wonderful.

- Annual Townsend Fair & Parade – Saturday, September 27, 2014

- a. West Town Movies donated 6 movie tickets for prizes at the fair. Am going to talk to all the ice cream places and waiting to hear from the bowling alley.

- b. The trophies for the parade will be the best marching unit, best float and most creative. We will get the same plaque as last year.

- c. CW Gorman asked Council to think of recipients for the Volunteer of the Year award. This award will be changed to read the “Granville “Bud” Higgins” Volunteer of the Year Award.

- d. CM Sutton doing a great job with the contests and has secured judges for the dance contest. We plan on holding all the contests on the basketball court so we can have better control.

- e. There will be a street closure notice for the parade in the newsletter and on the website. We will also send letters to the residents on Edgar Road and Brook Ramble Lane. We will also ask residents to not park their vehicles on these two roads.

- f. Still looking for adult volunteers.

g. Plan on doing the student mailings again this year. They will be printed and cut and ready to go when we get them. They will be sent out 2 weeks prior to the fair.

h. Need to post the fair on as many free websites as possible.

i. Special event insurance will cost us \$550.00 for the day.

j. Following is the tentative schedule:

- 11:00 am K-9 demonstration
- 11:15 am MOT Line Dancers
- 11:30 am Dance Contest
- 12:00 Pet contest
- 1:00 pm Hula Hoop and Jump rope contest
- 2:00 pm Basketball contest

VIII. Citizens Comments & Participation: none

IX. Motion to Adjourn for Executive Session: 9:15 pm, CM Ness motioned, CW Cook seconded with unanimous vote.

X. Executive Session: (added 8/15/14)

a. Discussion of Town personnel matters in which the names, competency and abilities of individual employees are discussed pursuant to 29 Del.C. 10004 (b) (9).

XI. Motion to close Executive Session & Re-convene Mid-Month Meeting:

XII. Adjournment:
